

and was not effective at the time said cigarettes were introduced into interstate commerce; and it is further

"ORDERED, ADJUDGED, and DECREED that the articles under seizure be, and they hereby are, condemned pursuant to 21 U.S.C. 334(a); and it is further

"ORDERED, ADJUDGED, and DECREED that the United States Marshal for this District shall destroy all of the articles under seizure in this proceeding, and make his return to the Clerk of this Court; and it is further

"ORDERED, ADJUDGED, and DECREED that the claimant, Cornell Drug Corporation, shall pay all costs of this proceeding which are taxable under 21 U.S.C. 334(e) and under general principles of law, in the sum of \_\_\_\_\_."

**6306. Trim Reducing-Aid cigarettes. (F.D.C. No. 42221. S. No. 15-233 P.)**

**QUANTITY:** 14 shipping cases, each containing 30 bulk ctns., each bulk ctn. containing 10 retail pkgs. of 20 cigarettes each, at Cleveland, Ohio.

**SHIPPED:** 8-22-58 and 9-8-58, by Cornell Drug Corp., New York, N.Y.

**LABEL IN PART:** (Retail pkg.) "Trim Reducing-Aid Cigarettes Filter Tip-20."

**ACCOMPANYING LABELING:** Placards reading in part "Overweight," "No diet No exercise" and "Trim Reducing-Aid Cigarettes \* \* \* Clinically Tested."

**LIBELED:** 10-9-58, N. Dist. Ohio.

**CHARGE:** 502(a)—when shipped and while held for sale, the labeling of the article contained the same false and misleading statements that were in the labeling of the article involved in the case reported above in notice of judgment No. 6304; 502(b)(1)—the article failed to bear a label containing the place of business of the manufacturer, packer, or distributor; and 505(a)—the article was a new drug which may not be introduced into interstate commerce since an application filed pursuant to the law was not effective with respect to the drug.

**DISPOSITION:** On 12-12-58, the Cornell Drug Corp., appeared as claimant and filed an answer denying that the article was misbranded, or a new drug. Thereafter, the Government filed written interrogatories which the claimant failed to answer, and on 6-18-59, a default decree was entered providing for condemnation and ordering the destruction of the article. Execution of the decree was stayed pending adjudication of a similar case pending in the District of New Jersey (see notice of judgment No. 6304). Following the entry of a decree of condemnation and destruction in the New Jersey case, the article in this case was destroyed.

**6307. Trim Reducing-Aid cigarettes. (F.D.C. No. 42261. S. No. 22-017 P.)**

**QUANTITY:** 487 bulk ctns., each containing 1 display ctn. containing 10 retail pkgs. of 20 cigarettes each, at Kansas City, Kans.

**SHIPPED:** 7-10-58 and 8-20-58, by Cornell Drug Corp., New York, N.Y.

**LABEL IN PART:** (Retail pkg.) "Trim Reducing-Aid Cigarettes Filter Tip-20."

**LIBELED:** 9-26-58, Dist. Kans.

**CHARGE:** 502(a)—when shipped and while held for sale, the labeling of the article contained the same false and misleading statements that were in the labeling of the article involved in the case reported above in notice of judgment No. 6304; 502(b)(1)—the article failed to bear a label containing the place of business of the manufacturer, packer, or distributor; and 505(a)—the article was a new drug which may not be introduced into interstate commerce since an application filed pursuant to the law was not effective with respect to the drug.

DISPOSITION: On or about 1-6-59, the Cornell Drug Corp., appeared as claimant and filed an answer denying that the article was misbranded or a new drug. Subsequently, the Government filed written interrogatories which were answered by the claimant. Thereafter, the case was held in abeyance pending the disposition of a similar proceeding in the District of New Jersey. Following the decision in favor of the Government which was made by the court in the New Jersey case, as reported above in notice of judgment No. 6304, the Government filed, in the District of Kansas, a motion for summary judgment in the instant case. The motion was granted, and, on 5-28-60, a judgment was entered condemning the article and ordering it destroyed.

6308. Pangamatin vitamin B<sub>15</sub> capsules and Vi-Cardia capsules. (F.D.C. No. 43583. S. Nos. 42-484/5 P.)

QUANTITY: 14 60-capsule btls., 1 100-capsule btl., and 3 500-capsule btls., of *Pangamatin vitamin B<sub>15</sub> capsules*, and 10 100-capsule btls. of *Vi-Cardia capsules*, at Portland, Oreg.

SHIPPED: 9-28-59 and 10-12-59, from San Francisco, Calif., by John Beard Memorial Foundation.

LABEL IN PART: "Pangamatin Vitamin B-15 Each capsule contains 75 Mgm. \* \* \* Distributed by Pacific Pharmacal, Portland, Oregon" and "Vi-Cardia Four Capsules contain: Betaine 200 mg. Pangamic acid (vitamin B-15) 50 mg. Pyridoxine (vitamin B-6) 10 mg. Alpha tocopherol succinate 200 mg. Inositol 500 mg. Ascorbic Acid 200 mg. Citrus bioflavonoids 100 mg. \* \* \* Distributed by Pacific Pharmacal Portland, Oregon."

RESULTS OF INVESTIGATION: The articles were shipped in bulk and after arrival at Portland, Oreg., were repacked into the above-mentioned bottles.

LIBELED: 10-13-59, Dist. Oreg.; amended libel 12-11-59.

CHARGE: 505(a)—the articles were new drugs which may not be introduced or delivered for introduction into interstate commerce since applications filed pursuant to law were not effective with respect to such drugs.

DISPOSITION: Gregory Gordon, t/a Pacific Pharmacal, Portland, Oreg., filed an answer denying that the articles were new drugs. Thereafter, interrogatories and requests for admissions were served upon the claimant but no response was made thereto. Accordingly, on 6-27-60, a default decree was entered providing for condemnation of the articles and their delivery to the Department of Health, Education, and Welfare.

6309. Royal jelly capsules. (F.D.C. No. 40577. S. Nos. 48-776/7 M.)

QUANTITY: 17 1,000-capsule boxes and 500 30-capsule boxes at Detroit, Mich., in possession of Prairie View Honey Co.

SHIPPED: Between 6-10-57 and 7-17-57, from South Pasadena, Calif.

LABEL IN PART: "Prairie View Queen Bee Royal Jelly Capsules each capsule contains: Royal Queen Bee Jelly 25 mg. [or 50 "mgm."] Vitamin B-1 (Thiamin) 5 mg. Calcium Pantothenate 5 mg."

ACCOMPANYING LABELING: Books entitled "The Miracle of Royal Jelly" by Raymond DuBois, and sheets entitled "Let This 'Miracle of Nature' Begin Working for You Today!"

RESULTS OF INVESTIGATION: The royal jelly was shipped from California to Detroit, Mich., at the above times, and thereafter, with other ingredients, was formulated, encapsulated, and shipped to the Prairie View Honey Co.